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U.S. Department of
Transportation
Office of the Secretary
Of Transportation

DEPT. OF TRANSPORTATION
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DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2002-13228 - 2

Approved under assigned authority (14 CFR Section 385.13).

Date Filed: August 22, 2002

Date of Action: September 4, 2002

Authority Expires: September 4, 2004 */

A handwritten signature in cursive script, reading 'Allen F. Brown'.

For the Director, Office of International Aviation

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR Section 385.30, should file their petitions within ten days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

*/ While the applicants requested authority for an indefinite period, we decided in the circumstances presented to grant the requested authority for two years.

ATTACHMENT

The codeshare operations are subject to the following conditions:

- a) Mexicana and United must promptly notify the Department (Office of International Aviation) if the code-share agreement under which these code-share services are operated is no longer in effect, or if the carriers decide to cease operating all or any portion of the approved code-share services. (We expect this notification to be received within ten days of such non-effectiveness or of such decision. The notice should be filed in Docket OST 2002-13228.)
- b) The code-sharing operations conducted under this authority must comply with 14 CFR Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the subject foreign air carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out the service in computer reservation systems and elsewhere; that the carrier selling such transportation (that is, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.
- c) The authority granted here is specifically conditioned so that the subject foreign air carriers shall not give any force or effect to any contractual provisions between themselves that are contrary to these conditions.
- d) We may amend, modify, or revoke the authority granted here at any time without hearing at our discretion.